

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL for an Act to amend and reenact ~~sections~~section 39-06.1-06, subsection 3 of section  
2 39-06.1-10, and sections 40-05-06; and 40-11-12 of the North Dakota Century Code, relating to  
3 the amount of statutory fees, points for speeding violations, city fines, and the nonpayment of  
4 fines; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~— **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~— **39-06.1-06. Amount of statutory fees.**~~

9 ~~— The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must~~  
10 ~~be as follows:~~

11 ~~— 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars~~  
12 ~~except for a violation of any traffic parking regulation on any state charitable or penal~~  
13 ~~institution property or on the state capitol grounds, a fee in the amount of five dollars,~~  
14 ~~excluding a violation of subsection 11 of section 39-01-15.~~

15 ~~— 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except~~  
16 ~~for:~~

17 ~~— a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty~~  
18 ~~dollars.~~

19 ~~— b. A violation of section 39-10-05 involving failure to yield to a pedestrian or~~  
20 ~~subsection 1 of section 39-10-28, a fee of fifty dollars.~~

21 ~~— c. A violation of section 39-21-41.2, a fee of twenty-five dollars.~~

22 ~~— d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section~~  
23 ~~39-08-25, a fee of one hundred dollars.~~

- 1 ~~\_\_\_\_\_ e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one-~~  
2 ~~hundred dollars.~~
- 3 ~~\_\_\_\_\_ f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a~~  
4 ~~resident of this state, a fee of one hundred dollars.~~
- 5 ~~\_\_\_\_\_ g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty~~  
6 ~~dollars.~~
- 7 ~~\_\_\_\_\_ h. A violation of section 39-10-59, a fee of five hundred dollars.~~
- 8 ~~\_\_\_\_\_ i. A violation of section 39-09-01, a fee of thirty dollars.~~
- 9 ~~\_\_\_\_\_ j. A violation of section 39-09-01.1, a fee of thirty dollars.~~
- 10 ~~\_\_\_\_\_ k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.~~
- 11 ~~\_\_\_\_\_ l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first~~  
12 ~~violation and three hundred dollars for a second or subsequent violation in three~~  
13 ~~years.~~
- 14 ~~\_\_\_\_\_ m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.~~
- 15 ~~\_\_\_\_\_ n. A violation of section 39-10-50.1, a fee of fifty dollars.~~
- 16 ~~\_\_\_\_\_ 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two~~  
17 ~~hundred fifty dollars.~~
- 18 ~~\_\_\_\_\_ 4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~  
19 ~~equivalent ordinance, a fee established as follows:~~
- | 20 <del>_____ Miles per hour over</del> |  |  |
|---|--|--|
| 21 <del>_____ lawful speed limit</del>  |  | 21 <del>_____ Fee</del>  |
| 22 <del>_____ 1 - 5</del>               |  | 22 <del>_____ \$ 5</del>   |
| 23 <del>_____ 6 - 10</del>              |  | 23 <del>_____ \$ 5 plus \$1/each mph over 5 mph over limit</del>   |
| 24 <del>_____ 11 - 15</del>             |  | 24 <del>_____ \$ 10 plus \$1/each mph over 10 mph over limit</del> |
| 25 <del>_____ 16 - 20</del>             |  | 25 <del>_____ \$ 15 plus \$2/each mph over 15 mph over limit</del> |
| 26 <del>_____ 21 - 25</del>             |  | 26 <del>_____ \$ 25 plus \$3/each mph over 20 mph over limit</del> |
| 27 <del>_____ 26 - 35</del>             |  | 27 <del>_____ \$ 40 plus \$3/each mph over 25 mph over limit</del> |
| 28 <del>_____ 36 - 45</del>             |  | 28 <del>_____ \$ 70 plus \$3/each mph over 35 mph over limit</del> |
| 29 <del>_____ 46 +</del>                |  | 29 <del>_____ \$100 plus \$5/each mph over 45 mph over limit</del> |

~~5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02 on a highway, or an equivalent ordinance, a fee established as follows:~~

<del>Miles per hour over</del>	<del>Fee</del>
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<del>1 - 10</del>	<del>\$2/each mph over limit</del>
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<del>11 +</del>	<del>\$20 plus \$5/each mph over 10 mph over limit</del>
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~~6.5. For a violation of subsection 3 of section 39-21-46, a fee established as follows:~~

~~a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;~~

~~b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;~~

~~c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and~~

~~d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.~~

~~7. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.~~

~~8.6. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.~~

~~9.7. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the~~

~~posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles-  
per hour over the limit, unless a greater fee would be applicable under this section.-  
The fee in this subsection does not apply to a highway construction zone unless  
individuals engaged in construction are present at the time and place of the violation-  
and the posted speed limit sign states "Minimum Fee \$80".~~

**SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
amended and reenacted as follows:

**39-06.1-06. Amount of statutory fees.**

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
except for a violation of any traffic parking regulation on any state charitable or penal  
institution property or on the state capitol grounds, a fee in the amount of five dollars,  
excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
39-08-25, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
hundred dollars.
  - f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
resident of this state, a fee of one hundred dollars.
  - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
dollars.
  - h. A violation of section 39-10-59, a fee of five hundred dollars.
  - i. A violation of section 39-09-01, a fee of thirty dollars.

- 1 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 2 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 3 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
- 4 violation and three hundred dollars for a second or subsequent violation in three
- 5 years.
- 6 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 7 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 8 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two
- 9 hundred fifty dollars.
- 10 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~
- 11 ~~equivalent ordinance, a fee established as follows:~~
- | <del>Miles per hour over</del> | <del>Fee</del>  |
|--------------------------------|---|
| <del>1 - 5</del>               | <del>\$ 5</del>   |
| <del>6 - 10</del>              | <del>\$ 5 plus \$1/each mph over 5 mph over limit</del>   |
| <del>11 - 15</del>             | <del>\$ 10 plus \$1/each mph over 10 mph over limit</del> |
| <del>16 - 20</del>             | <del>\$ 15 plus \$2/each mph over 15 mph over limit</del> |
| <del>21 - 25</del>             | <del>\$ 25 plus \$3/each mph over 20 mph over limit</del> |
| <del>26 - 35</del>             | <del>\$ 40 plus \$3/each mph over 25 mph over limit</del> |
| <del>36 - 45</del>             | <del>\$ 70 plus \$3/each mph over 35 mph over limit</del> |
| <del>46 +</del>                | <del>\$100 plus \$5/each mph over 45 mph over limit</del> |
- 22 ~~5. On a highway on which the speed limit is a speed higher than fifty-five miles~~
- 23 ~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent~~
- 24 ~~ordinance, a fee established as follows:~~
- | <del>Miles per hour over</del> | <del>Fee</del>   |
|--------------------------------|--|
| <del>1 - 10</del>              | <del>\$2/each mph over limit</del>                       |
| <del>11 +</del>                | <del>\$20 plus \$5/each mph over 10 mph over limit</del> |
- 29 ~~6.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:
- 30 a. Driving more than eleven hours since the last ten hours off duty, driving after
- 31 fourteen hours on duty since the last ten hours off duty, driving after sixty hours

on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7.5. On a highway on which the speed limit is posted in excess of sixty-five miles- [104.61 kilometers] an hour, for~~ For a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.

~~8.6. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section~~ plus five dollars for each mile per hour over the limit.

~~9.7. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section~~ plus five dollars for each mile per hour over the limit. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

**SECTION 2. AMENDMENT.** Subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- 3. Points must be assigned and accumulated on the basis of the following schedule:
  - a. Noncriminal Violations

1	Noncriminal Adjudication or Admission of:	Points Assigned:
2	(1) Overtime and double parking in violation of city	0 points
3	ordinances	
4	(2) Failure to display license plates	1 point
5	(3) Permitting unauthorized minor to drive	2 points
6	(4) Permitting unauthorized person to drive	2 points
7	(5) Unlawful stopping, standing, or parking on open	2 points
8	highway in violation of section 39-10-47	
9	(6) Unlawful parking in prohibited place	1 point
10	(7) Leaving motor vehicle improperly unattended on	1 point
11	an open highway	
12	(8) Opening or leaving motor vehicle doors open when	1 point
13	unsafe to do so	
14	(9) Except as provided in sections 39-21-44 and	2 points
15	39-21-45.1, knowingly driving with defective,	
16	nonexistent, or unlawful equipment in violation of	
17	section 39-21-46, or equivalent ordinances	
18	(10) Careless driving in violation of section 39-09-01, or	6 points
19	equivalent ordinance	
20	(11) Violating or exceeding restrictions contained in	4 points
21	a restricted certificate issued pursuant to section	
22	39-06.1-03	
23	(12) Racing or drag racing motor vehicles in violation	10 points
24	of section 39-08-03.1, or equivalent ordinance	
25	(13) Exhibition driving in violation of section 39-08-03.1, or	3 points
26	equivalent ordinance	
27	(14) Failing to yield right of way in violation of	2 points
28	section 39-10-20, 39-10-22 through 39-10-26,	
29	39-10-28, 39-10-33.3, 39-10-44, or 39-10-72, or	
30	equivalent ordinances	

1	(15) Disobeying an official traffic-control device	2 points
2	in violation of section 39-10-04, 39-10-05, or	
3	39-10-07, or equivalent ordinances	
4	(16) Driving on wrong side of road in violation of	2 points
5	section 39-10-08, 39-10-14, or 39-10-16, or	
6	equivalent ordinances	
7	(17) Failing to dim headlights in violation of section	1 point
8	39-21-21, or equivalent ordinance	
9	(18) Failing to stop at railroad crossing in violation of section	3 points
10	39-10-41 or 39-10-42, or equivalent ordinances	
11	(19) Knowingly driving with defective brakes in violation of	2 points
12	section 39-21-32 or 39-21-33, or equivalent ordinances	
13	(20) Disregarding the lawful commands of a police officer in	2 points
14	violation of section 39-10-02, or equivalent ordinance	
15	(21) Overtaking where prohibited or in an unsafe manner in	2 points
16	violation of section 39-10-11, 39-10-12, 39-10-13, or	
17	39-10-15, or equivalent ordinances	
18	(22) Overtaking and passing a schoolbus in violation of	6 points
19	section 39-10-46, or equivalent ordinance	
20	(23) Operating a motor vehicle without a license in	4 points
21	violation of section 39-06-01, or equivalent ordinance	
22	(24) Improperly operating or unlawfully carrying	2 points
23	passengers or packages on a motorcycle in violation	
24	of section 39-10.2-02, or equivalent ordinance	
25	(25) Improperly operating a motorcycle in laned traffic in	2 points
26	violation of section 39-10.2-03, or equivalent ordinance	
27	(26) Clinging to other vehicles while riding a motorcycle in	4 points
28	violation of section 39-10.2-04, or equivalent ordinance	
29	(27) Carrying a passenger on a motorcycle not equipped	2 points
30	with passenger footrests in violation of section	
31	39-10.2-05, or equivalent ordinance	



1	(28)	Operating a motorcycle without protective headgear	2 points
2		in violation of subsection 1 of section 39-10.2-06, or	
3		equivalent ordinance	
4	(29)	Failing to use the care required in section 39-09-01.1,	2 points
5		or equivalent ordinance	
6	(30)	<del>Except as provided in paragraph 33, operating a motor</del>	
7		<del>vehicle in excess of speed limit in violation of section</del>	
8		<del>39-09-02, or equivalent ordinance</del>	
9		<del>6 - 10 mph over limit</del>	<del>0 points</del>
10		<del>11 - 15 mph over limit</del>	<del>1 point</del>
11		<del>16 - 20 mph over limit</del>	<del>3 points</del>
12		<del>21 - 25 mph over limit</del>	<del>5 points</del>
13		<del>26 - 35 mph over limit</del>	<del>9 points</del>
14		<del>36 - 45 mph over limit</del>	<del>12 points</del>
15		<del>46 + mph over limit</del>	<del>15 points</del>
16	<del>(31)</del>	Driving in violation of section 39-08-18	2 points
17	<del>(32)</del> (31)	Driving in violation of section 39-08-09	6 points
18	<del>(33)</del>	<del>On a highway on which the speed limit is posted in</del>	
19		<del>excess of sixty-five miles [104.61 kilometers] an hour,</del>	
20		<del>operating</del>	
21	(32)	Operating a motor vehicle on a highway in excess of the speed limit	
22		in violation of section 39-09-02, or equivalent ordinance	
23		Miles per hour over lawful speed limit	Points
24		1 - 5	0
25		6 - 10	1
26		11 - 15	3
27		16 - 20	5
28		21 - 25	7
29		26 - 30	10
30		31 - 35	12
31		36 +	15

1	<del>(34)</del> (33) Failing to have a minor in a child restraint system	1 point
2	or seatbelt in violation of section 39-21-41.2	
3	<del>(35)</del> (34) Failure or refusal to comply with rules of the	0 points
4	superintendent of the highway patrol in violation	
5	of subsection 3 of section 39-21-46	
6	<del>(36)</del> (35) Violation of section 39-21-44 or any rule adopted	2 points
7	under that section	
8	<del>(37)</del> (36) Except as provided in paragraph 39, operating a motor	6 points
9	vehicle without liability insurance, in violation of	
10	section 39-08-20	
11	<del>(38)</del> (37) Except as provided in paragraph 39, operating a motor	12 points
12	vehicle without liability insurance, in violation of	
13	section 39-08-20, if the driving record shows that the	
14	licensee has within the eighteen months preceding the	
15	violation previously violated section 39-08-20	
16	<del>(39)</del> (38) Operating a motor vehicle without liability insurance,	14 points
17	in violation of section 39-08-20, if the violation was	
18	discovered as the result of investigation of an accident	
19	in which the driver is the owner	
20	<del>(40)</del> (39) Driving a modified motor vehicle in violation of section	1 point
21	39-21-45.1, or equivalent ordinance	
22	b. Criminal Violations	
23	Conviction of:	Points Assigned:
24	(1) Reckless driving in violation of section 39-08-03, or	8 points
25	equivalent ordinance	
26	(2) Aggravated reckless driving in violation of section	12 points
27	39-08-03, or equivalent ordinance	
28	(3) Leaving the scene of an accident involving property	14 points
29	damage in violation of section 39-08-05, 39-08-07,	
30	or 39-08-08, or equivalent ordinances	

1	(4) Leaving the scene of an accident involving personal	18 points
2	injury or death in violation of section 39-08-04, or	
3	equivalent ordinance	
4	(5) Violating restrictions in a restricted license issued	3 points
5	under section 39-06-17 and relating to the use of	
6	eyeglasses or contact lenses while driving	
7	(6) Violating any restrictions other than those listed in	4 points
8	paragraph 5, contained in a restricted license issued	
9	under section 39-06-17 or 39-06.1-11	
10	(7) Except as provided in paragraph 9 of subdivision a,	2 points
11	knowingly operating an unsafe vehicle in violation of	
12	section 39-21-46, or equivalent ordinance	
13	(8) Fleeing in a motor vehicle from a peace officer in	24 points
14	violation of section 39-10-71, or equivalent ordinance	
15	(9) Causing an accident with an authorized emergency	2 points
16	vehicle or a vehicle operated by or under the control	
17	of the director used for maintaining the state highway	
18	system in violation of subsection 5 of section 39-10-26,	
19	or equivalent ordinance	
20	(10) Driving in violation of the conditions of an instruction	2 points
21	permit	

**SECTION 3. AMENDMENT.** Section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

**40-05-06. City fines and penalties limited.**

1. Except as provided in ~~subsection~~subsection 2 and ~~3~~, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.
2. ~~For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one~~

1           hundred percent, the limit, for an equivalent category of violation, set forth in section  
2           ~~39-06.1-06.~~

3       ~~3.~~ For every violation of a city ordinance enforcing the requirements of title 40, Code of  
4           Federal Regulations, section 403 relating to publicly owned treatment works, or  
5           prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty  
6           may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty  
7           days, or both such fine and imprisonment.

8       ~~4.3.~~ This section does not prohibit the use of the sentencing alternatives, other than a fine  
9           or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,  
10          nor does this section limit the use of deferred or suspended sentences under  
11          subsections 3 and 4 of section 12.1-32-02.

12       **SECTION 4. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is  
13       amended and reenacted as follows:

14       **40-11-12. Commitment of guilty person for nonpayment of fines or costs.**

15       Any person upon whom any fine or costs, or both, has been imposed for violation of a  
16       municipal ordinance may, after hearing, be committed upon order of the court to jail or other  
17       place provided by the municipality for the incarceration of offenders until the fine or costs, or  
18       both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not  
19       commit a person under this section when the sole reason for the person's nonpayment of fines  
20       or costs, or both, is the person's indigency. An order of commitment under this section shall not  
21       be for a period in excess of thirty days. ~~As used in this section, "fine" does not include a fee-~~  
22       ~~established pursuant to subsection 2 of section 40-05-06.~~

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## ENGROSSED HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL for an Act to amend and reenact ~~sections 39-06.1-06, 40-05-06, and 40-11-12~~section  
2 39-06.1-06 and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to  
3 the amount of statutory fees, ~~city fines, and the nonpayment of fines~~ and limits on city speeding  
4 fines and penalties; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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7 amended and reenacted as follows:

8 **39-06.1-06. Amount of statutory fees.**

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10 be as follows:

- 11 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
12 except for a violation of any traffic parking regulation on any state charitable or penal  
13 institution property or on the state capitol grounds, a fee in the amount of five dollars,  
14 excluding a violation of subsection 11 of section 39-01-15.
- 15 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
16 for:
  - 17 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
18 dollars.
  - 19 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
20 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 21 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 22 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
23 39-08-25, a fee of one hundred dollars.

- 1 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
2 hundred dollars.
- 3 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
4 resident of this state, a fee of one hundred dollars.
- 5 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
6 dollars.
- 7 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 8 i. A violation of section 39-09-01, a fee of thirty dollars.
- 9 j. A violation of section 39-09-01.1, a fee of thirty dollars.
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- 11 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first  
12 violation and three hundred dollars for a second or subsequent violation in three  
13 years.
- 14 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 15 n. A violation of section 39-10-50.1, a fee of fifty dollars.
- 16 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two  
17 hundred fifty dollars.
- 18 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~  
19 ~~equivalent ordinance, a fee established as follows:~~

20 Miles per hour over

21 lawful speed limit

Fee

22 1-5	\$ 5
23 6-10	\$ 5 plus \$1/each mph over 5 mph over limit
24 11-15	\$ 10 plus \$1/each mph over 10 mph over limit
25 16-20	\$ 15 plus \$2/each mph over 15 mph over limit
26 21-25	\$ 25 plus \$3/each mph over 20 mph over limit
27 26-35	\$ 40 plus \$3/each mph over 25 mph over limit
28 36-45	\$ 70 plus \$3/each mph over 35 mph over limit
29 46+	\$100 plus \$5/each mph over 45 mph over limit

1       5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles-~~  
2       ~~[88.51 kilometers] an hour, for~~ For a violation of section 39-09-02 on a highway, or an  
3       equivalent ordinance, a fee established as follows:

4	Miles per hour over	
5	lawful speed limit	Fee
6	1 - 10	\$2/each mph over limit
7	11 +	\$20 plus \$5/each mph over 10 mph over limit

8       ~~6.5.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

- 9       a. Driving more than eleven hours since the last ten hours off duty, driving after  
10       fourteen hours on duty since the last ten hours off duty, driving after sixty hours  
11       on duty in seven days or seventy hours in eight days, no record of duty status or  
12       log book in possession, failing to retain previous seven-day record of duty status  
13       or log book, or operating a vehicle with four to six out-of-service defects, one  
14       hundred dollars;
- 15       b. False record of duty status or log book or operating a vehicle with seven to nine  
16       out-of-service defects, two hundred fifty dollars;
- 17       c. Operating a vehicle after driver placed out of service, operating a vehicle with ten  
18       or more out-of-service defects, or operating a vehicle that has been placed out of  
19       service prior to its repair, five hundred dollars; and
- 20       d. All other violations of motor carrier safety rules adopted under subsection 3 of  
21       section 39-21-46, fifty dollars.

22       7. ~~On a highway on which the speed limit is posted in excess of sixty-five miles-~~  
23       ~~[104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent-~~  
24       ~~ordinance, a fee of five dollars for each mile per hour over the limit.~~

25       ~~8.6.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of  
26       section 39-09-02, a fee of forty dollars for one through ten miles per hour over the  
27       posted speed; and forty dollars, plus one dollar for each additional mile per hour over  
28       ten miles per hour over the limit unless a greater fee would be applicable under this  
29       section.

30       ~~9.7.~~ For a violation of a highway construction zone speed limit under subsection 2 of  
31       section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the

posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

~~**SECTION 2. AMENDMENT.** Section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**40-05-06. City fines and penalties limited.**~~

- ~~1. Except as provided in subsections subsection 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed one thousand five hundred dollars, and the imprisonment may not exceed thirty days for one offense.~~
- ~~2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06.~~
- ~~3. For every violation of a city ordinance enforcing the requirements of title 40, Code of Federal Regulations, section 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty days, or both such fine and imprisonment.~~
- ~~4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02.~~

~~**SECTION 3. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**40-11-12. Commitment of guilty person for nonpayment of fines or costs.**~~

~~Any person upon whom any fine or costs, or both, has been imposed for violation of a municipal ordinance may, after hearing, be committed upon order of the court to jail or other~~



1 ~~place provided by the municipality for the incarceration of offenders until the fine or costs, or~~  
2 ~~both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not~~  
3 ~~commit a person under this section when the sole reason for the person's nonpayment of fines~~  
4 ~~or costs, or both, is the person's indigency. An order of commitment under this section shall not~~  
5 ~~be for a period in excess of thirty days. As used in this section, "fine" does not include a fee~~  
6 ~~established pursuant to subsection 2 of section 40-05-06.~~

7 **SECTION 2. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century  
8 Code is amended and reenacted as follows:

- 9 2. For every violation of a city ordinance that regulates the operation or equipment of a  
10 motor vehicle or which regulates traffic, except those ordinances listed in section  
11 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one  
12 hundred percent, the limit, for an equivalent category of violation, set forth in section  
13 39-06.1-06. A city ordinance establishing a fee for exceeding the posted speed limit of  
14 a motor vehicle on a street or road within a city may not exceed the fee limit for an  
15 equivalent violation as set forth under section 39-06.1-06.

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1279

Introduced by

Representatives Mock, M. Johnson, Schreiber-Beck, Zubke

Senators Bekkedahl, Heckaman, Kreun

1 A BILL for an Act to amend and reenact ~~sections~~section 39-06.1-06, ~~40-05-06, and 40-11-12~~ of  
2 the North Dakota Century Code, relating to the amount of statutory fees, ~~city fines, and the~~  
3 ~~nonpayment of fines~~; to provide for a legislative management study; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06.1-06. Amount of statutory fees.**

8 The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must  
9 be as follows:

- 10 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars  
11 except for a violation of any traffic parking regulation on any state charitable or penal  
12 institution property or on the state capitol grounds, a fee in the amount of five dollars,  
13 excluding a violation of subsection 11 of section 39-01-15.
- 14 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except  
15 for:
  - 16 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty  
17 dollars.
  - 18 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or  
19 subsection 1 of section 39-10-28, a fee of fifty dollars.
  - 20 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - 21 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section  
22 39-08-25, a fee of one hundred dollars.
  - 23 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one  
24 hundred dollars.

- 1 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a  
2 resident of this state, a fee of one hundred dollars.
- 3 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty  
4 dollars.
- 5 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 6 i. A violation of section 39-09-01, a fee of thirty dollars.
- 7 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 8 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- 9 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first  
10 violation and three hundred dollars for a second or subsequent violation in three  
11 years.
- 12 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- 13 n. A violation of section 39-10-50.1, a fee of fifty dollars.

14 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two  
15 hundred fifty dollars.

16 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an~~  
17 ~~equivalent ordinance, a fee established as follows:~~

18 Miles per hour over

19 lawful speed limit

Fee

20 1-5

\$ 5

21 6-10

\$ 5 plus \$1/each mph over 5 mph over limit

22 11-15

\$ 10 plus \$1/each mph over 10 mph over limit

23 16-20

\$ 15 plus \$2/each mph over 15 mph over limit

24 21-25

\$ 25 plus \$3/each mph over 20 mph over limit

25 26-35

\$ 40 plus \$3/each mph over 25 mph over limit

26 36-45

\$ 70 plus \$3/each mph over 35 mph over limit

27 46+

\$100 plus \$5/each mph over 45 mph over limit

28 5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles~~  
29 ~~[88.51 kilometers] an hour, for~~ For a violation of section 39-09-02 on a highway, or an  
30 equivalent ordinance, a fee established as follows:

31 Miles per hour over

	lawful speed limit	Fee
1		
2	1 - 10	\$2/each mph over limit
3	11 +	\$20 plus \$5/each mph over 10 mph over limit
4	<u>6.5.</u> For a violation of subsection 3 of section 39-21-46, a fee established as follows:	
5	a. Driving more than eleven hours since the last ten hours off duty, driving after	
6	fourteen hours on duty since the last ten hours off duty, driving after sixty hours	
7	on duty in seven days or seventy hours in eight days, no record of duty status or	
8	log book in possession, failing to retain previous seven-day record of duty status	
9	or log book, or operating a vehicle with four to six out-of-service defects, one	
10	hundred dollars;	
11	b. False record of duty status or log book or operating a vehicle with seven to nine	
12	out-of-service defects, two hundred fifty dollars;	
13	c. Operating a vehicle after driver placed out of service, operating a vehicle with ten	
14	or more out-of-service defects, or operating a vehicle that has been placed out of	
15	service prior to its repair, five hundred dollars; and	
16	d. All other violations of motor carrier safety rules adopted under subsection 3 of	
17	section 39-21-46, fifty dollars.	
18	<del>7. On a highway on which the speed limit is posted in excess of sixty-five miles</del>	
19	<del>[104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent</del>	
20	<del>ordinance, a fee of five dollars for each mile per hour over the limit.</del>	
21	<u>8.6.</u> For a violation of a school zone speed limit under subdivision b of subsection 1 of	
22	section 39-09-02, a fee of forty dollars for one through ten miles per hour over the	
23	posted speed; and forty dollars, plus one dollar for each additional mile per hour over	
24	ten miles per hour over the limit unless a greater fee would be applicable under this	
25	section.	
26	<u>9.7.</u> For a violation of a highway construction zone speed limit under subsection 2 of	
27	section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the	
28	posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles	
29	per hour over the limit, unless a greater fee would be applicable under this section.	
30	The fee in this subsection does not apply to a highway construction zone unless	

individuals engaged in construction are present at the time and place of the violation  
and the posted speed limit sign states "Minimum Fee \$80".

~~**SECTION 2. AMENDMENT.** Section 40-05-06 of the North Dakota Century Code is  
amended and reenacted as follows:~~

~~**40-05-06. City fines and penalties limited.**~~

~~1. Except as provided in subsections subsection 2 and 3, the fine or penalty for the  
violation of any ordinance, resolution, or regulation of a city may not exceed one  
thousand five hundred dollars, and the imprisonment may not exceed thirty days for  
one offense.~~

~~2. For every violation of a city ordinance that regulates the operation or equipment of a  
motor vehicle or which regulates traffic, except those ordinances listed in section  
39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one  
hundred percent, the limit, for an equivalent category of violation, set forth in section  
39-06.1-06.~~

~~3. For every violation of a city ordinance enforcing the requirements of title 40, Code of  
Federal Regulations, section 403 relating to publicly owned treatment works, or  
prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty  
may not exceed a fine of one thousand five hundred dollars, imprisonment for thirty  
days, or both such fine and imprisonment.~~

~~4.3. This section does not prohibit the use of the sentencing alternatives, other than a fine  
or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance,  
nor does this section limit the use of deferred or suspended sentences under  
subsections 3 and 4 of section 12.1-32-02.~~

~~**SECTION 3. AMENDMENT.** Section 40-11-12 of the North Dakota Century Code is  
amended and reenacted as follows:~~

~~**40-11-12. Commitment of guilty person for nonpayment of fines or costs.**~~

~~Any person upon whom any fine or costs, or both, has been imposed for violation of a  
municipal ordinance may, after hearing, be committed upon order of the court to jail or other  
place provided by the municipality for the incarceration of offenders until the fine or costs, or  
both, are fully paid or discharged by labor as provided in section 40-18-12. The court may not  
commit a person under this section when the sole reason for the person's nonpayment of fines~~

~~or costs, or both, is the person's indigency. An order of commitment under this section shall not be for a period in excess of thirty days. As used in this section, "fine" does not include a fee established pursuant to subsection 2 of section 40-05-06.~~

## **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - LAW ENFORCEMENT**

**JURISDICTION.** During the 2021-22 interim, the legislative management shall consider studying the extent of potential jurisdictional conflicts related to traffic and motor vehicle laws and ordinances between all law enforcement agencies in the state, including state, county, municipal, and any other law enforcement agency that may be subject to a joint powers agreement. The study may include a review of judicial jurisdiction of traffic and motor vehicle laws and ordinances and the enforcement thereof, and a review of a municipality's ability to assess fines and fees for violations of traffic and motor vehicle ordinances. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.